

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

THOMAS H. GRACE,	)	Case No. 4:16-CV-00643
Chapter 7 Trustee of AmeriSciences, L.P.,	)	
	)	Judge Vanessa D. Gilmore
Plaintiff,	)	
	)	
v.	)	
	)	
ORGANO GOLD INT'L, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF JOINT EMERGENCY MOTION OF CHAPTER 7  
TRUSTEE, AND ORGANO DEFENDANTS TO MODIFY SCHEDULING ORDER**

As explained herein, the Trustee and the Organo Defendants seek entry of an order, on an expedited basis, modifying the Scheduling Order to provide the parties with additional time to negotiate a consensual resolution of all claims asserted in this proceeding. The requested modifications to the Scheduling Order (described below) will not require a delay in the scheduled trial date.

**I. Background**

On December 1, 2015, the Trustee and representatives of the Organo Defendants met for an in-person mediation before the Honorable David R. Jones, in an attempt to mutually resolve the claims asserted in this action. The mediation was unsuccessful and the parties resumed litigation and discovery upon this Court's ruling on the Organo Defendants' Motion to Dismiss [Docket No. 17].

The Trustee and the Organo Defendants have recently resumed negotiations aimed at a global resolution of this litigation. If the negotiations are successful, the parties anticipate seeking dismissal of this lawsuit without further Court involvement and without the continued

expense of litigation.

**II. Relief Requested and Basis Therefor**

In the interests of preserving the parties' resources, including the estate resources for the benefit of the Debtor's creditors and in preserving judicial time and resources, the parties are seeking amendment to the Scheduling Order to permit the parties time to continue settlement negotiations in hopes of reaching a global resolution of all claims asserted in this proceeding. Specifically, the parties seek modification of the Scheduling Order to provide as follows:

<u>DEADLINE</u>	<u>DATE</u>
Close of Discovery	July 15, 2017
Deadline for Submission of Rebuttal Reports	June 15, 2017
Deadline for Filing Dispositive Motions	July 30, 2017

The proposed modifications to the Scheduling Order would enable the parties time to continue settlement negotiations in furtherance of a mutual resolution of this litigation. The proposed modifications will not necessitate a change in this Court's existing trial schedule for this matter. Accordingly, the parties respectfully request that this Court amend the Scheduling Order as set forth herein.

**III. Conclusion**

For the reasons set forth herein, the Trustee and the Organo Defendants respectfully request that this Court enter an order modifying the Scheduling Order as set forth herein.

Dated: April 21, 2017

Respectfully submitted,

/s/ John J. Sparacino

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- and -

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2017, a copy of the foregoing *Joint Emergency Motion of Chapter 7 Trustee and Organo Defendants to Modify Scheduling Order* was electronically filed and served via the Court's CM/ECF System upon all parties registered to receive notice as indicated below:

- **Omar Jesus Alaniz** omar.alaniz@bakerbotts.com
- **David W Anderson** dwanderson@ralaw.net
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And was also served via regular U.S. Mail, postage prepaid, upon the following:

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/s/ Kathryn Brooker  
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